California Regional Water Quality Control Board

Santa Ana Region

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FACT SHEET

October 25, 2002

Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region, Urban Runoff Management Program, Order No. R8-2002-0011 (NPDES No. CAS 618033)

I. INTRODUCTION

A. PROJECT

The attached pages contain information concerning an application for renewal of waste discharge requirements and a National Pollutant Discharge Elimination System (NPDES) permit, Order No. R8-2002-0011, NPDES No. CAS 618033, which prescribes waste discharge requirements for Urban Runoff from the cities and the unincorporated areas in Riverside County within the jurisdiction of the Regional Board. Specifically, Order No. R8-2002-0011 regulates discharges of Urban Runoff from the "Permit Area" as defined in the Order and shown in Appendix 1.

Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from feedlots, dairies, farms, and open space. Urban Runoff discharges consist of storm water and non-storm water surface runoff from drainage sub-areas with various, often mixed, land uses within all the hydrologic drainage areas that discharge into the Waters of the U. S. If appropriate pollution control measures are not implemented, Urban Runoff may contain pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, mostly nitrogen and phosphorus compounds), oxygen-demanding substances (decaying matter), pesticides (DDT, Chlordane, Diazinon, Chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil & grease, PAHs, petroleum hydrocarbons). If not properly managed and controlled, urbanization can change the stream hydrology and increase pollutant loading to receiving waters. As a watershed undergoes urbanization, pervious surface area decreases, runoff volume and velocity increases, riparian habitats and wetland habitats decrease, the frequency and severity of flooding increase, and pollutant loading increases. Most of these impacts occur due to human activities that occur during and/or after urbanization. The pollutants and hydrologic changes can cause declines in aquatic resources, cause toxicity to marine organisms, and impact human health and the environment. Based on the procedures in Section D of the RCFC&WCD Hydrology Manual, it is feasible that, in semi-arid regions, development may result in the creation of a net increase in absorption.

On August 30, 2000, the Riverside County Flood Control and Water Conservation District (hereinafter referred to as "RCFC&WCD" or "Principal Permittee" as context

indicates), in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto (hereinafter with the County, collectively referred to as the "Co-Permittees" and collectively with the Principal Permitee, the "Permittees"), jointly submitted a National Pollutant Discharge Elimination System (NPDES) Application No. CAS 618033, a Report of Waste Discharge (the "ROWD"), to renew the MS4 NPDES permit for the Santa Ana River Watershed (the "Region") within Riverside County (the "Order") NPDES permit dealing with urban runoff (hereinafter "Urban Runoff" as defined and qualified in Findings 13 and 14) in the "Permit Area" as shown in Appendix 1.

B. PROJECT AREA

The area shown on Appendix 1 contains 1,293 square miles (or 17.7% of the 7,300 square miles within Riverside County) and includes 11 of the 24 municipalities within Riverside County. The California Department of Finance estimates that as of January 1, 2002, the population of Riverside County is 1,644,341 of which 759,877 persons reside within the 11 municipalities and an additional 338,630 persons reside in the unincorporated area that is within the area shown on Appendix 1 (or a total of 1,098,507 persons or 66.8% of Riverside County's population). Five of the municipalities (Beaumont, Calimesa, Canyon Lake, Norco, and San Jacinto) have populations of 25,000 or less; three municipalities (Hemet, Lake Elsinore, and Perris) have populations between 25,001 and 62,000, Corona has a population of 133,966, Moreno Valley's population is 146,435 and Riverside has 269,402 residents. [Population figures for the city of Murrieta have been omitted because only 375 acres (2%) of the City's Land Area is within the area shown on Appendix 1. (See Finding No. 2.)] Of the total territory within the area shown on Appendix 1, 346.7 square miles are within the 11 incorporated areas and 944.6 square miles are unincorporated. General land uses within the 1,293.3 square miles comprising the area shown on Appendix 1 are identified, based on Riverside County Assessor's Roll for Fiscal Year 2001-2002, as follows: 109.3 square miles are used or zoned for commercial/industrial purposes (8.5%), 198.7 square miles for residential purposes (15.4%), 70.1 square miles are utilized for improved roadways (including roadways owned by Caltrans) (5.4%), 753.9 square miles are vacant or utilized for open space (58.3%), and 161.3 square miles are used for agricultural purposes (12.5%). The federal government owns 310.7 square miles (24%) of the territory within the area shown on Appendix 1.

Less than one fifth (1/5) of the entire acreage within Riverside County drains into water bodies within the Permit Area. The Permit Area includes the "Urban Area" as shown in Appendix 1 and those portions of "Agriculture" and "Open Space" as shown on Appendix 1 that do convert to industrial, commercial or residential use during the term of this Order. The Permit Area is delineated by the San Bernardino-Riverside County boundary line on the north and northwest, the Orange Riverside County boundary line on the west, the Santa Ana-San Diego Regional Board boundary line on the south, and the Santa Ana Colorado River Basin Regional Board boundary line on the east. Sixty-seven percent of Riverside County's population resides within the Regional Board's jurisdiction. The San Diego and the Colorado River Basin Regional Water Quality Control Boards regulate Urban Runoff from those portions of Riverside County outside of the Permit Area shown in Appendix 1.

C. CLEAN WATER ACT REQUIREMENTS

The federal Clean Water Act (the "CWA") established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of pollutants from point sources to waters of the nation (the "Waters of the U. S."). From 1972 to 1987, the main focus of the NPDES program was to regulate conventional pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, non-point sources, including agricultural runoff and urban runoff, now contribute a larger portion of many kinds of pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

The National Urban Runoff Program (NURP) final report to the Congress (USEPA, 1983) concluded that the goals of the CWA could not be achieved without addressing urban runoff discharges. The 1987 CWA amendments established a framework for regulating urban runoff. Pursuant to these amendments, the Santa Ana Regional Board began regulating municipal storm water runoff in 1990.

II. REGULATORY BACKGROUND AND CLEAN WATER REQUIREMENTS

Recent studies [1] conducted in the Southern California area have established storm water runoff from urban areas as significant sources of pollutants in surface waters in Southern California. The Santa Ana River is impacted by agricultural and urban runoff as it flows through the San Bernardino County and Riverside County areas prior to flowing through Orange County and into the Pacific Ocean. If not properly controlled, urban runoff could be a significant source of pollutants in the Waters of the U. S. Table 1 includes a list of pollutants, their sources, and some of the adverse environmental consequences mostly resulting from urbanization.

The CWA prohibits the discharge of any pollutant to navigable waters from a point source unless an NPDES permit authorizes the discharge. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the CWA required MS4s and industrial facilities, including construction sites, to obtain NPDES permits for storm water runoff from their facilities. On November 16, 1990, the USEPA promulgated the final Phase I storm water regulations. The storm water regulations are contained in 40 CFR Parts 122, 123 and 124.

On July 13, 1990, the Regional Board issued Order No. 90-104 to the Permittees (first term permit). In 1996, the Regional Board adopted Order No. 96-30 (second term permit).

In 2001, to more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and

[1] Bay, S., Jones, B. H. and Schiff, K, 1999, Study of the Impact of Stormwater Discharge on Santa Monica Bay. Sea Grant Program, University of Southern California; and Haile, R.W., et al., 1996, An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay. Southern California Coastal Water Research Project (1992), Surface Runoff to the Southern California Bight.

the incorporated cities will continue as the Co-Permittees. On January 19, 2001, the Regional Board adopted Order No. 01-34, NPDES No. CAG 618005 Watershed-wide Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with New Developments in the San Jacinto Watershed. On March 2, 2001, Order No. 96-30, NPDES No. CAS618033, was administratively extended in accordance with Title 23, Division 3, Chapter 9, §2235.4 of the California Code of Regulations.

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Table 1[2].

Pollutant Sources and Impacts of a Number of Pollutants On Waters of the U.S.

Pollutants	Sources	Effects and Trends
Toxins (e.g., biocides, PCBs, trace metals, heavy metals)	Industrial and municipal wastewater; runoff from farms, forests, urban areas, and landfills; erosion of contaminated soils and sediments; vessels; atmospheric deposition	Poison and cause disease and reproductive failure; fat-soluble toxins may bioconcentrate, particularly in birds and mammals, and pose human health risks. Inputs into U.S. waters have declined, but remaining inputs and contaminated sediments in urban and industrial areas pose threats to living resources.
Pesticides (e.g., DDT, diazinon, chlorpyrifos)	Urban runoff, agricultural runoff, commercial, industrial, residential and farm use	The use of legacy pesticides (DDT, chlordane, dieldrin,…) has been banned or restricted; still persists in the environment; some of the other pesticide uses are curtailed or restricted.
Biostimulants (organic wastes, plant nutrients)	Sewage and industrial wastes; runoff from farms and urban areas; nitrogen from combustion of fossil fuels	Organic wastes overload bottom habitats and deplete oxygen; nutrient inputs stimulate algal blooms (some harmful), which reduce water clarity, and alter food chains supporting fisheries. While organic waste loading has decreased, nutrient loading has increased (NRC, 1993a, 2000a).
Petroleum products (oil, grease, petroleum hydrocarbons, PAHs)	Urban runoff and atmospheric deposition from land activities; accidental spills; oil & gas production activities; natural seepage; and PAHs from internal combustion engines	Petroleum hydrocarbons can affect bottom organisms and larvae; spills affect birds, mammals and aquatic life. While oil pollution from accidental spills, and production activities has decreased, diffuse inputs from land-based activities have not (NRC, 1985).
Radioactive isotopes	Atmospheric fallout, industrial and military activities	Bioaccumulation may pose human health risks where contamination is heavy.
Sediments	Erosion from farming, construction activities, forestry, mining, development; river diversions; coastal dredging and mining	Reduce water clarity and change bottom habitats; carry toxins and nutrients; clog fish gills and interfere with respiration in aquatic fauna. Sediment delivery by many rivers has decreased, but sedimentation poses problems in some areas.
Plastics and other debris	Boats, fishing nets, containers, trash, urban runoff	Entangles aquatic life or is ingested; degrades, lake shores and wetland habitats. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors.
Thermal	Cooling water from power plants and industry, urban run off from impervious surfaces	Kills some temperature-sensitive species; and displaces others.
Pathogens (bacteria, protozoa, viruses)	Sewage, urban runoff, livestock, wildlife, and discharges from boats.	Pose health risks to swimmers and consumers of aquatic life. Sanitation has improved, but standards have been raised (NRC 1999a).
Alien species	Fishery stocking, aquarists	Displace native species, introduce new diseases; growing worldwide problem (NRC 1996).

[2] Adapted from “Marine Pollution in the United States” prepared for the Pew Oceans Commission, 2001.

The area-wide NPDES permit for the Permit Area is being considered for renewal in accordance with Section 402 (p) of the CWA and all requirements applicable to an NPDES permit issued under the issuing authority's discretionary authority. The requirements included in this Order are consistent with the CWA, the federal regulations governing urban storm water discharges, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), the California Water Code, and the State Board's Plans and Policies.

The Basin Plan is the basis for the Regional Board's regulatory programs. The Plan was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the CWA and the California Water Code. As required, the Basin Plan designates the beneficial uses of the waters of the Region and specifies water quality objectives intended to protect those uses. (Beneficial uses and water quality objectives, together with an antidegradation policy, comprise federal "water quality standards"). The Basin Plan also specifies an implementation plan, which includes certain discharge prohibitions. In general, the Basin Plan makes no distinctions between wet and dry weather conditions in designating beneficial uses and setting water quality objectives, i.e., the beneficial uses, and correspondingly, the water quality objectives are assumed to apply year-round. (Note: In some cases, beneficial uses for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and beneficial uses) may be present only during wet weather.) Most beneficial uses and water quality objectives were established in the 1971, 1975 and 1983 Basin Plans.

Water Code Section 13241 requires that certain factors be considered, at a minimum, when water quality objectives are established. These include economics and the need for developing housing in the Region. (The latter factor was added to the Water Code in 1987). During this permit development process, the Permittees raised an issue regarding compliance with Section 13241 of the California Water Code with respect to water quality objectives for wet weather conditions, specifically the cost of achieving compliance during wet weather conditions and the need for developing housing within the Region and its impact on Urban Runoff. During the next review of the Basin Plan, staff will recommend that this matter be incorporated on the triennial review list. In the meantime, the provisions of this Order will result in reasonable further progress towards the attainment of the existing water quality objectives, in accordance with the discretion in the permitting authority recognized by the United States Court of Appeals for the Ninth Circuit in Defenders of Wildlife vs. Browner, 191 F.3d 1159, 1164 (9th Cir. 1999).

III. EXCLUSIONS TO THE PERMITTED AREA

Areas of the County not addressed or which are excluded by the storm water regulations and areas not under the jurisdiction of the Permittees are excluded from the area requested for coverage under this permit application. These include the following areas and activities:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;

- Native American tribal lands;

- Open space and rural (non-urbanized) areas;
- Agricultural lands; and
- Utilities and special districts.

These areas in the Permit Area for which coverage under a municipal stormwater NPDES permit is excluded, are shown in Appendix I (Western Riverside County NPDES Permit Area).

IV. BENEFICIAL USES

Stormwater flows which are discharged to MS4s in the Permit Area are tributary to various water bodies (inland surface streams, lakes and reservoirs) of the state. The beneficial uses of these water bodies include municipal and domestic supply, agricultural supply, industrial service and process supply, groundwater recharge, water contact recreation, non-contact water recreation, and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened or endangered species. The ultimate goal of this Order is to protect the beneficial uses and quality of the Receiving Waters.

To protect the beneficial uses of the Receiving Waters, the pollutants from all sources, including Urban Runoff, need to be controlled. Recognizing this, and the fact that Urban Runoff contains pollutants, an area-wide MS4 permit is the most effective way to develop and implement a comprehensive Urban Runoff management program in a timely manner. This area-wide MS4 permit contains requirements with time schedules that will allow the Permittees to continue to address water quality problems caused by Urban Runoff through their management programs to reduce pollutants in storm water discharges to the MEP[See Appendix 4, Glossary].

V. WATERSHED MANAGEMENT IN THE UPPER SANTA ANA RIVER BASIN

A. Management Approach

To regulate and control Urban Runoff from the Permit Area to the MS4s, an area-wide approach is essential and a holistic approach is needed to efficiently manage the water resources of the Region. The entire MS4 is not controlled by a single entity; the RCFC&WCD, the County of Riverside, several cities, the State Department of Transportation (Caltrans), and the U.S. Army Corps of Engineers, in addition to other smaller entities, manage the MS4s. In addition to the cities, the County of Riverside and the RCFC&WCD, there are a number of other significant contributors of Urban Runoff to these MS4s. These include: large institutions such as the State university system, prisons, schools, hospitals, etc.; federal facilities such as military sites, etc.; State agencies, such as Caltrans; water and wastewater management agencies such as Eastern and Western Municipal Water District; the National Forest Service and State parks. The State Board has issued a separate NPDES permit to Caltrans. In addition, Caltrans, and the other contributors identified, are not under the jurisdiction of the Permittees. The management and control of the entire MS4 cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be

meaningful to issue a separate MS4 permit to each of the entities within the Permit Area whose land/facilities drain into the MS4s operated by the Permittees. The Regional Board has concluded that the best management option for the Riverside County area is to issue an area-wide Urban Runoff permit to the Permittees.

Although, the Urban Runoff from the Permit Area drains into Orange County, urban runoff from Orange County areas are regulated under NPDES No. CAS 618030. Some areas within Riverside County are within the Colorado River Basin and San Diego Regional Boards' jurisdictions. Permit requirements for storm water runoff from the drainage areas of Riverside County within the jurisdiction of the San Diego and Colorado River Basin Regional Boards are addressed by those Regional Boards.

In developing Urban Runoff management and monitoring programs, consultation/coordination with other drainage management entities and other Regional Boards is essential. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the MEP.

Cooperation and coordination among all the stakeholders are essential for efficient and economical management of the watershed. It is also critical to manage non-point sources at a level consistent with the management of Urban Runoff in a watershed in Order to successfully prevent or remedy water quality impairment. Regional Board staff will facilitate coordination of monitoring and management programs among the various stakeholders.

An integrated watershed management approach is consistent with the Strategic Plan and Initiatives for the State and Regional Boards. A watershed wide approach is also necessary for implementation of the load and waste load allocations to be developed under the TMDL process. The Permittees and all the affected entities are encouraged to participate in regional or watershed solutions, instead of project-specific and fragmented solutions.

The pollutants in Urban Runoff originate from a multitude of sources and effective control of these pollutants requires a cooperative effort of all the stakeholders and many regulatory agencies. Every stage of urbanization should be considered in developing appropriate Urban Runoff pollution control methodologies. The program’s success depends upon consideration of pollution control techniques during planning, construction and post-construction operations. At each stage, appropriate pollution prevention measures, source control measures, and, if necessary, treatment techniques should be considered.

B. SUB-WATERSHEDS AND MAJOR CHALLENGES

The Santa Ana River watershed is the major watershed within this Region. This watershed is divided into three sub-watersheds: the Lower Santa Ana, Upper Santa Ana, and San Jacinto.

1. The lower Santa Ana River sub-watershed (downstream from Prado Basin) includes the north half of Orange County. The Upper Santa Ana River sub-watershed includes the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The San Jacinto sub-watershed includes the northwest corner of Riverside County south of the Upper Santa Ana River sub-watershed within this Region.

   Generally, the San Bernardino County drainage areas drain to the Riverside County drainage areas, and Riverside County drainage areas discharge to Orange County through Prado Dam on the Santa Ana River. Most of the flow in the Santa Ana River is recharged into the ground water in Orange County but infrequently some of the flow may be discharged to the Pacific Ocean as a result of heavy storm events.

   Water from rainfall and snow melt runoff, and surfacing ground water from various areas either discharge directly to the Santa Ana River or to watercourses tributary to the Santa Ana River. Other major rivers in the Permit Area include the San Jacinto River and Temescal Creek. The San Jacinto Mountain areas drain into the San Jacinto River, which discharges into Canyon Lake and then to Lake Elsinore. Any overflow from Lake Elsinore is tributary to Temescal Creek, which flows into the Santa Ana River at the Prado Flood Control Basin. Overflow from Lake Elsinore occurs infrequently, only once every 12 to 15 years.

2. Upper Santa Ana River Sub-watershed:

   a. Reach 3 of the Santa Ana River (Prado Dam to Mission Boulevard in Riverside): The pollutants of concern for Reach 3 are nutrients, pathogens, salinity, total dissolved solids and chlorides. However, the Board now recognizes that Reach 3 of the Santa Ana River is meeting the standards for nutrients, salinity, TDS and chlorides and has requested the USEPA that this Reach be de-listed for these constituents. Reach 3 of the Santa Ana River has been posted by Riverside County, as it consists largely of POTW effluent, indicating that it is not suitable for body contact recreation due to microbial contamination. On March 23, 2000, the Executive Officer issued a request under Section 13267 of the CWC to the County and the cities that discharge urban runoff into this segment of the River to start an investigation of the microbial contamination of the River. The other problems associated with this segment of the River are addressed through the Regional Board's dairy program and TDS/nitrogen control programs.

   b. Reach 4 of the Santa Ana River: Reach 4 of the Santa Ana River is the portion of the River from Mission Boulevard bridge in Riverside to the San Jacinto fault (Bunker Hill Dike) in San Bernardino. Reach 4 is also listed in the CWA Section 303 (d) as an impaired water body. Most of Reach 4 of the River is under the

San Bernardino County area. The pollutants of concern for Reach 4 are pathogens.

c. San Jacinto Sub-watershed: Canyon Lake and Lake Elsinore are in this watershed and are listed on the 303(d) list for nutrients/pathogens (Canyon Lake) and nutrients, sediment, and unknown toxicity (Lake Elsinore). TMDLs are being developed for these impaired waterbodies. In the interim, the Regional Board adopted a separate watershed-wide construction activity storm water permit to regulate construction activities in this area. This permit may be reopened to include TMDL requirements.

C. *CWA SECTION 303(d) LIST AND TMDLS:*

Pursuant to Section 303(b) of the CWA, the 1998 water quality assessment conducted by the Regional Board listed a number of water bodies within the Region under Section 303(d) of the CWA as impaired water bodies. These are water bodies where the designated beneficial uses are not met and the water quality objectives are being violated. The sources of the impairments include POTW discharges, and runoff from agricultural, open space and urban land uses. The impaired water bodies in Riverside County within the Santa Ana Regional Board's jurisdiction are listed in Table 2.

Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e., water quality objectives are met and the beneficial uses are protected. It is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in waste discharge requirements. TMDLs are being developed for all pollutants identified in Table 2. The Permittees shall revise their DAMP, at the direction of the Executive Officer, to incorporate program implementation amendments so as to comply with regional, watershed specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of Total Maximum Daily Loads (TMDLs) for impaired water bodies.

Table 2

CWA Section 303(d) Listed Waterbodies, 1998 List

WATER BODY	*HYDRO UNIT*	*POLLUTANT/ STRESSOR*	*SOURCE*	*PRIORITY*	*SIZE AFFECTED*
Canyon Lake	802.120	Nutrients	Nonpoint Source	Medium	600 Acres
		Pathogens	Nonpoint Source	Medium	600 Acres
Lake Elsinore	802.310	Nutrients	Unknown Nonpoint Source	Medium	3300 Acres
		Org. enrichment /low D.O.	Unknown Nonpoint Source	Medium	3300 Acres
		Sediment / Siltation	Urban Runoff and Storm Drains	Medium	3300 Acres
		Unknown Toxicity	Unknown Nonpoint Source	Medium	3300 Acres
Lake Fulmor	802.210	Pathogens	Unknown Nonpoint Source	Low	9 Acres
Santa Ana River, Reach 3	801.200	Nutrients	Dairies	Medium	3 Miles
		Pathogens	Dairies	Medium	3 Miles
		Salinity/TDS/Chlorides	Dairies	Medium	3 Miles
Santa Ana River, Reach 4	801.120	Pathogens	Nonpoint Source	Low	12 Miles

VI. FIRST AND SECOND TERM PERMITS: STORM WATER POLLUTION CONTROL PROGRAMS AND POLICIES

Prior to USEPA's promulgation of the final regulations implementing the storm water requirements of the 1987 CWA amendments, the counties of Orange, Riverside and San Bernardino requested an area-wide NPDES permits for storm water runoff. On July 13, 1990, the Regional Board issued Order No. 90-104 to the Permittees (first term permit). In 1996, the Regional Board adopted Order No. 96-30 (second term permit). First and second term permits included the following requirements:

1. Prohibited non-storm water discharges to the MS4s with certain exceptions.
2. Required the municipalities to develop and implement a DAMP to reduce pollutants in Urban Runoff to the MEP.
3. Required the discharges from the MS4s to meet water quality standards in Receiving Waters.
4. Required the municipalities to identify and eliminate illicit connections and illegal discharges to the MS4s.
5. Required the municipalities to establish legal authority to enforce Storm Water Ordinances.
6. Required monitoring of dry weather flows, storm flows, and receiving water quality, and program assessment.

During the first term permit, the Permittees developed a DAMP which was approved by the Executive Officer on January 18, 1994. The DAMP included five BMP groups: environmental education activities, solid waste activities, road drainage system operations and maintenance, regulatory and enforcement activities, and structural controls. The DAMP will be revised to include program components developed during the term of the 1996 Permit and to address requirements of this Order. The Permittees also indicated that the monitoring program would be revised and incorporated into the revised DAMP.

The RCFC&WCD performs water quality monitoring activities in support of three separate area-wide NPDES MS4 Permits (Santa Ana, San Diego and Colorado River basins) under the Consolidated Monitoring Program (CMP). Water samples and/or sediment samples have been collected at a total of 74 locations over the last nine years. These 74 locations are comprised of 45 storm drain outfalls, 12 receiving water, 15 sediment, and 2 special interest sampling locations. The August 30, 2000, ROWD indicated that in order to assess long-term trends and BMP effectiveness they would need more data points, with at least 5 samples (of similar types) obtained for many years. The ROWD indicated that the CMP would have to be revised. In the future, these monitoring stations and monitoring will be used to identify problem areas and to re-evaluate the monitoring program and the effectiveness of the BMPs. The future direction of some of these program elements will depend upon the results of the ongoing studies and a holistic approach to watershed management.

Other elements of the Urban Runoff management program included identification and elimination of illegal discharges, illicit connections, and establishment of adequate legal authority to control pollutants in storm water discharges. Most of the Permittees have completed a survey of their MS4s to identify illegal/illicit connections and have adopted

appropriate ordinances to establish legal authority. Some of the more specific achievements during the first and second term permits are as follows:

1. During the term of the 1996 Permit, the Permittees have operated under an Implementation Agreement that sets forth the responsibilities of the Permittees as defined in the 1996 Permit. The Permittees have adopted Storm Water Ordinances regarding the management of Urban Runoff. The Storm Water Ordinances provide the Permittees with the legal authority to implement the requirements of the 1996 Permit and the key regulatory requirements contained in 40 CFR Section 122.26(d)(2)(I)(A-F).
2. The Permittees have participated in the CMP.
3. The Permittees administered area-wide programs including: hazardous materials emergency response, household hazardous waste collection, industrial/commercial compliance assistance program and public education and outreach. Some of these programs were coordinated with Caltrans and local agencies.
4. A Municipal Facilities Strategy was established, a New Development Guideline was developed, pet waste brochure, BMP brochure for horse owners, BMP brochure for pool discharges and a general outreach brochure for residents that hire contractors were developed.
5. A Technical Advisory Committee for overall program development and implementation was established.
6. Program Review: A number of existing programs were reviewed to determine their effectiveness in combating urban runoff pollution and to recommend alternatives and or improvements, including public agency activities and facilities, illegal discharges and illicit connections to the MS4 systems, and existing monitoring programs.
7. Public Education: A number of steps were taken to educate the public, businesses, industries, and commercial establishments regarding their role in urban runoff pollution controls. The industrial dischargers were notified of the storm water regulatory requirements. For a number of unregulated activities, BMP guidances were developed and a toll free hotline was established for reporting any suspected water quality problems.
8. Public Agency Training: Training was provided to public agency employees to implement New Development Guidelines and Public Works BMPs.
9. Related Activities: Modified MS4s by channel stabilization and creation of sediment basins; eliminated or permitted and documented illicit connections to the MS4s.

An accurate and quantifiable measurement of the impact of the above stated Urban Runoff management programs is difficult, due to a variety of reasons, such as the variability in chemical water quality data, the incremental nature of BMP implementation, lack of baseline monitoring data, and the existence of some of the programs and policies prior to initiation of formal Urban Runoff management programs. There are generally two accepted methodologies for assessing water quality improvements: (1) conventional monitoring such as chemical-specific water quality monitoring; and (2) non-conventional monitoring, such as monitoring of the amount of household hazardous waste collected and disposed off at appropriate disposal sites, the amount of used oil collected, and the amount of debris removed by the debris boom, etc.

The water quality monitoring data could not be used to indicate any discernible trends or significant changes. It is expected that continuation of these programs and policies will reduce or control pollutants in Urban Runoff.

During the second term permit, there was an increased focus on watershed management initiatives and coordination among the municipal permittees in Orange, Riverside and San Bernardino Counties. These efforts resulted in a number of regional monitoring programs and other coordinated program and policy developments.

It is anticipated that with continued implementation of the revised DAMP and other requirements specified in this Order, the goals and objectives of the storm water regulations will be met, including protection of the beneficial uses of all Receiving Waters.

VII. FUTURE DIRECTION/2000 ROWD

The ROWD (2000 ROWD) included an overview of the programs and policies the Permittees are proposing to implement during the third term permit. One of the proposed activities is to revise the 1993 DAMP. The 2000 ROWD specified that the revised DAMP will be the principal guidance document for Urban Runoff management programs in the Permit Area. The suggested outline for the revised DAMP include the following major components:

1. Continues a framework for the program management activities and DAMP update.
2. Continues to provide the legal authority to control discharges to the MS4s.
3. Includes a description of land use and population characteristics.
4. Improves current BMPs to achieve further reduction in pollutant loading to the MS4s.
5. Identifies TMDL concerns and an implementation schedule and other tools for addressing those concerns.
6. Identifies pollutants of concern in the regional water bodies.
7. Includes programs and policies to increase public education processes and to seek public support for Urban Runoff pollution prevention BMPs.
8. Continue with Management Steering Committee and other technical/advisory committees.
9. Includes sections on construction sites, development planning, industrial and commercial sources, and public education and outreach.
10. Includes programs and policies to eliminate illegal discharges and illicit connections to the MS4s.
11. Includes a continued and revised monitoring program for Urban Runoff.
12. Includes provisions for any special focus studies and/or control measures.

A combination of these programs and policies and the requirements specified in this Order should ensure control of pollutants in storm water runoff from owned and/or controlled by the Permittees.

VIII. PERMIT REQUIREMENTS AND PROVISIONS

The legislative history of storm water statutes (1987 CWA Amendments), USEPA regulations (40CFR Parts 122, 123, and 124), and clarifications issued by the State Board (State Board Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional NPDES

permitting strategy was anticipated for regulating urban runoff. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and the complexity of urban runoff quality and quantity, MS4 permits generally include narrative requirements for the implementation of BMPs in place of numeric effluent limits.

The requirements included in this Order are meant to specify those management practices, control techniques and system design and engineering methods that will result in MEP protection of the beneficial uses of the Receiving Waters. The State Board (Orders No. WQ 98-01 and WQ 99-05) concluded that MS4s must meet the technology-based MEP standard and water quality standards (water quality objectives and beneficial uses). The U.S. Court of Appeals for the Ninth Circuit subsequently held that strict compliance with water quality standards in MS4 permits is at the discretion of the local permitting agency. Any requirements included in the Order that are more stringent than the federal storm water regulations are in accordance with the CWA Section 402(p)(3)(iii), and the California Water Code Section 13377 and are consistent with the Regional Board's interpretation of the requisite MEP standard.

The ROWD included a discussion of the current status of Riverside County's Urban Runoff management program and the proposed programs and policies for the next five years (third term permit). This Order incorporates these documents and specifies performance commitments for specific elements of the Permittees Urban Runoff management program.

This Order recognizes the progress made by the Permittees during the first and second term permits in implementing the storm water regulations. The Order also recognizes regional and innovative solutions to such a complex problem. For these reasons, the Order is less prescriptive compared to some of the MS4 NPDES permits for urban runoff issued by other Regional Boards. However, it should achieve the same or better water quality benefits because of the programs and policies already being implemented or proposed for implementation, including regional and watershed wide solutions.

The essential components of the Urban Runoff Management Program, as established by federal regulations [40 CFR 122.26(d)] are: (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) Storm Water Quality Management Program (SQMP) - (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, Illicit Connection and Illicit Discharges Elimination Program), and (iv) Monitoring and Reporting Program. The major sections of the requirements in this Order include: I. Responsibilities; II. Discharge Limitations/Prohibitions; III. Receiving Water Limitations; IV. Implementation Agreement; V. Legal Authority/Enforcement; VI. Illegal/Illicit Connections/Illegal Discharges; Litter, Debris and Trash Control; VII. Sewage Spills, Infiltration into MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges; VIII. New Development (including significant re-development); IX. Municipal Inspection Program; X. Public Education and Outreach; XI. Municipal Facilities Programs and Policies/Activities; XII. Municipal Construction Projects/Activities; XIII. Program Management/Damp Review; XIV. Monitoring and Reporting Requirements; XV. Provisions; XVI. Permit Expiration and Renewal.
These programs and policies are intended to improve urban storm water quality and protect the beneficial uses of receiving waters of the region.

A. RESPONSIBILITIES

The responsibilities of the Principal Permittee is to coordinate the overall Urban Runoff management program and the Co-Permittees are responsible for managing the Urban Runoff Program within their jurisdictions as detailed in the ROWD and Order No. 96-30 and 90-104.

B. DISCHARGE PROHIBITIONS

In accordance with CWA Section 402(p)(3)(B)(ii), this Order prohibits the discharge of non-storm water to the MS4s, with a few exceptions. The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the Permittees or the Executive Officer determines that any of the exempted non-storm water discharges is a significant source of pollutants, a separate NPDES permit or coverage under the Regional Board's De Minimus permit will be required.

C. RECEIVING WATER LIMITATIONS

Receiving water limitations are included to ensure that discharges of Urban Runoff from MS4 systems do not cause or contribute to violations of applicable water quality standards in Receiving Waters. The compliance strategy for receiving water limitations is consistent with the USEPA and State Board guidance and recognizes the complexity of Urban Runoff management.

This Order requires the Permittees to meet water quality standards in Receiving Waters in accordance with USEPA requirements, as specified in State Board Order No. WQ 99-05. If water quality standards are not met by implementation of current BMPs, the Permittees are required to re-evaluate the programs and policies and to propose additional BMPs. Compliance determination will be based on this iterative BMP implementation process.

D. IMPLEMENTATION AGREEMENT

The existing Implementation Agreement needs to be revised to include the cities that were not signatories to this Agreement. This section requires that a copy of the signature page and any revisions to the Agreement shall be included in the Annual Report.

E. LEGAL AUTHORITY/ENFORCEMENT

Each Permittee has adopted a number of ordinances, municipal codes, and other regulations to establish legal authority to control discharges to the MS4s and to enforce these regulations as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The Permittees are required to enforce these ordinances and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D).

The enforcement activities undertaken by a majority of the Permittees have consisted primarily of Notices of Violation, which act to educate the public on the environmental consequences of illegal discharges. In the case of the County, additional action has sometimes included recovery of investigation and clean-up

costs from a responsible party. In the event of egregious or repeated violations, the option exists for a referral to the County District Attorney for possible prosecution or to the Regional Board for enforcement under the State Water Code or the CWA. In order to eliminate unauthorized, non-storm water discharges, reduce the amount of pollutants commingling with Urban Runoff and thereby protect water quality, an additional level of enforcement is required between Notices of Violation and District Attorney referrals. Therefore, within 18 months of the Order's adoption, the Permittees are required to establish the authority and resources to administer either civil or criminal fines and/or penalties for violations of their Storm Water Ordinances. The progress in establishing this program must be fully documented in the Annual Reports submitted by the Permittees and the number, nature and amount of fines and/or penalties levied must be reported, beginning with the 2003/2004 Annual Report.

F. Illicit Connections/Illegal Discharges; Litter, Debris and Trash Control;

Most of the Permittees have completed their survey of the MS4 systems and eliminated or permitted all identified illicit connections. The Permittees have also established a program to address illegal discharges and a mechanism to respond to spills and leaks and other incidents of discharges to the MS4s. The Permittees are required to continue these programs to ensure that the MS4s do not become a source of pollutants in Receiving Waters.

G. Sewage Spills, Infiltration into MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges;

In recent years, sewage spills/leaks into MS4s that discharge into Waters of the U.S. have become one of the leading causes of beneficial use impairment. To address these concerns, a set of separate waste discharge requirements for local sanitary sewer agencies is being prepared by the Regional Board. Failing septic systems and improper use of portable toilets have also been linked to microbial contamination of urban runoff. The Permittees shall identify, with the appropriate local agency, a mechanism to prevent failure of these septic systems from causing or contributing to pollution of Receiving Waters. The Permittees shall also review their local oversight program for the placement and maintenance of portable toilets to determine the need for any revision.

H. New Development (including Significant Redevelopment);

During the second term permit, the Permittees developed New Development guidelines. The Permittees are required to implement these guidelines. Additionally, this Order requires the Permittees to work towards the goal of maintaining the beneficial uses of Receiving Waters**.** To accomplish this goal, the Permittees have the option of using a number of methodologies. The Permittees/project proponents may propose BMPs based on a watershed approach, establish other innovative and proven alternatives to address Urban Runoff pollution. Numeric sizing criteria for controls at New and Significant Redevelopment sites are specified in this Order. Any proposed regional or watershed-wide (or sub-watershed) pollution control measure should afford water quality protection equivalent to or better than that from the prescribed numeric

sizing criteria. If a set of measures acceptable to the Executive Officer is not developed and approved by January 1, 2005, the Permittees are required to use the numeric sizing criteria specified in the Order. The numeric criteria are identical to the one used by the San Diego Regional Board in its MS4 permit for permittees within the San Diego County area (Order No. 2001-01).

I. Municipal Inspection Program;

Co-Permittee inspections of construction, industrial, and commercial activities within their jurisdiction will be conducted, in order to control the loading of pollutants entering the MS4. The Co-Permittees will inventory facilities and sites in the above categories, prioritize these facilities based on threat to water quality, and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in 'educational' type enforcement, repeated non-compliance will result in more disciplinary forms of enforcement, such as monetary penalties, stop work orders or permit revocation. Chapter four of the Enforcement/Compliance Strategy (the "E/CS") proposes a prioritization scheme and response outline.

J. Public Education and Outreach;

Public outreach is an important element of the overall urban pollution prevention program. The Permittees have committed to implement a strategic and comprehensive public education program to maintain the integrity of the Receiving Waters and their ability to sustain beneficial uses. The Principal Permittee has taken the lead role in the outreach programs and has targeted various groups including businesses, industry, development, utilities, environmental groups, institutions, homeowners, school children, and the general public. The Permittees have developed a number of educational materials, have established a storm water pollution prevention hotline, started an advertising and educational campaign, and distributed public education materials at a number of public events. The Permittees are required to continue these efforts and to expand public participation and education programs.

K. Municipal Facilities Programs and Policies/Activities;

Education of municipal planning, inspection, and maintenance staff is critical to ensure that municipal facilities and activities do not cause or contribute to an exceedance of Receiving Water quality standards. The second term permit required the Permittees to report on an annual basis the actions taken to eliminate the discharge of pollutants from public agency activities and facilities. The Permittees are required to inspect and maintain their MS4s free of waste materials to control pollutants in Urban Runoff flowing through these systems. This Order requires the Permittees to re-evaluate their MS4s annually to see if additional BMPs are needed to ensure protection of Receiving Water quality.

L. Municipal Construction Projects/Activities;

This section addresses the requirements for the construction projects by the Permittees themselves.

M. Program Management/Damp Review;

The DAMP is a management document that needs to be updated with the new requirements of this Order.

N. Monitoring and Reporting Requirements;

During the first term permit and part of the second term permit, the Permittees conducted monitoring of the storm water flows, Receiving Water quality, and sediment quality. The Riverside County monitoring programs, as well as other monitoring programs nationwide, have shown that there is a high degree of uncertainty in the quality of storm water runoff and that there are significant variations in the quality of urban runoff spatially and temporally. However, most of the monitoring programs to date have indicated that there are a number of pollutants in urban runoff. Only in a few cases a definite link between pollutants in urban runoff and beneficial use impairments has been established.

Currently the Permittees are cooperating with the Regional Board in the development and implementation of appropriate monitoring programs to support the development of the Canyon Lake and Lake Elsinore TMDLs. This monitoring program includes sampling stormwater runoff at a variety of sites located throughout the watershed for three storm events per year. Stormwater samples will be collected and analyzed for a variety of constituents, principally nutrients. In addition to these efforts, the Permittees are reevaluating their overall Urban Runoff monitoring program to determine its effectiveness in meeting the following objectives:

1. Assess rates of mass loading
2. Assess influence of land use on water quality
3. Assess compliance with water quality objectives
4. Assess effectiveness of water quality controls
5. Detect illicit connections and illegal discharges
6. Identify problem areas and/or trends
7. Identify pollutants of concern
8. Identify baseline conditions
9. Establish/maintain a water quality database

To accomplish these goals, the following activities are conducted:

1. Collect water quality data
2. Collect rainfall/runoff data
3. Establish quality assurance/control procedures
4. Conduct data analysis and archiving
5. Install and maintain appropriate equipment
6. Prepare an annual report

The RCFC&WCD, in its role as Principal Permitee, participates in the Southern California Cooperative Stormwater Research/Monitoring Program. The key focus of this Cooperative Monitoring Program is to develop methodologies and assessment tools to more effectively understand urban stormwater and non-stormwater impacts to receiving waters. Additionally, some of the municipal permittees in the San Bernardino County and Riverside County have been requested to participate in the investigation of bacteriological water quality impairments in the Upper Santa Ana River.

The Permittees are encouraged to continue their participation in regional and watershed-wide monitoring programs. The Permittees are required to submit a revised water quality monitoring plan for the Executive Officer's approval.

IX. WATER QUALITY BENEFITS, COST ANALYSIS, AND FISCAL ANALYSIS

There are direct and indirect benefits from clean lake beaches, clean water, and a clean environment. It is difficult to assign a dollar value to the benefits the public derives from fishable and swimmable waters. In 1972, at the start of the NPDES program, only 1/3 of the U.S. waters were swimmable and fishable. In 2001, 2/3 of the U.S. waters meet these criteria. In the 1995 "*Money"* magazine survey of the "Best Places to Live", clean water and air ranked as the most important factors in choosing a place to live. Thus environmental quality has a definite link to property values.

The true magnitude of the urban runoff problem is still elusive and any cost estimate for cleaning up urban runoff would be premature short of end-of-pipe treatments. For urban runoff, end-of-pipe treatments are cost prohibitive and are not generally considered as a technologically feasible option. Over the last decade, the Permittees have attempted to define the problem and implemented BMPs to the MEP to combat the problem.

The costs incurred by the Permittees in implementing these programs and policies can be divided into three broad categories:

1. Shared costs: These are costs that fund activities performed mostly by the Principal Permittee under the Implementation Agreement. These activities include overall storm water program coordination; intergovernmental agreements; representation at the Storm Water Quality Task Force, Regional Board/State Board meetings and other public forums; preparation and submittal of compliance reports and other reports required under the NPDES permits, Water Code Section 13267 requests, budget and other program documentation; coordination of consultant studies, Co-Permittee meetings, and training seminars.

2. Individual Costs for DAMP Implementation: These are costs incurred by each Permittee for implementing the BMPs (drainage facility inspections for illicit connections, drain inlet/catch basin stenciling, public education, etc.) included in the DAMP. A number of programs and policies for non-point and storm water pollution controls existed prior to the urban runoff NPDES program. However, the DAMP that was developed and implemented in response to the urban runoff program required additional programs and policies for pollution control.

3. Individual Costs of Pre-Existing Programs: These are costs incurred by each Permittee for water pollution control measures which were already in existence prior to the urban runoff NPDES program. These programs included recycling, litter control, street sweeping, drainage facility maintenance, and emergency spill response.

Historically, the Permittees have employed four distinct funding methods to finance their NPDES Activities. Many Permittees utilize a combination of these funding sources. The different methods include:

1. Santa Ana Watershed Benefit Assessment Area

In 1991, the RCFC&WCD established the Santa Ana Watershed Benefit Assessment Area (SAWBAA) to fund its NPDES activities. Currently, SAWBAA revenues fund both area-wide NPDES program activities and the RCFC&WCD's individual permit compliance activities.

2. County Service Area 152

In December 1991, the County of Riverside formed County Service Area 152 (CSA 152) to provide funding for compliance activities associated with its NPDES permit activities. Under the laws that govern CSAs, sub-areas may be established within the overall CSA area with different assessment rates set within each sub-area. The cities of Corona, Moreno Valley, Norco, Riverside, Lake Elsinore and San Jacinto elected to participate in CSA 152.

3. Utility Charge

The City of Hemet funds a portion of its NPDES program activities through a utility charge.

4. General Fund /Other Revenues

The remaining Permittees utilize general fund revenue to finance their NPDES activities. Several Permittees also report using general fund and other revenue sources (e.g., gas taxes, developer fees, etc.) to fund a portion of their Urban Runoff management activities.

The Annual Report provides the most recent budgets and expenditures projections available for the costs incurred by the Permittees in implementing these programs and policies.

X. ANTIDEGRADATION ANALYSIS

The Regional Board has considered whether a complete antidegradation analysis, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, is required for these Urban Runoff discharges. The Regional Board finds that the pollutant loading rates to the Receiving Waters will be reduced with the implementation of the requirements in this Order. As a result, the quality of Urban Runoff discharges and Receiving Waters will be improved, thereby improving protection for the beneficial uses of Waters of the U.S. Since this Order will not result in a lowering of water quality, a complete antidegradation analysis is not necessary, consistent with the federal and state antidegradation requirements.

XI. PUBLIC WORKSHOP

A number of workshops have been held to discuss the draft MS4 permits for the Orange and San Bernardino counties within the Regional Board's jurisdiction. The details regarding these permits are posted on the Regional Board's website or may be obtained by calling the office at 909-782-4130. Building upon those permits, a workshop for the Order was conducted on May 31, 2002, in Huntington Beach, California and a second workshop was conducted on September 6, 2002, in Loma Linda, California. The Public Hearing for consideration of adoption of the Order is scheduled for the October 25, 2002, Board Meeting in Corona.

The Regional Board recognizes the significance of Riverside County's Storm Water/Clean Water Protection Program and will conduct, participate, and/or assist with at any workshop during the term of this Order to promote and discuss the progress of the Urban Runoff management program. The details of the workshop will be posted on the Regional Board's website, published in local newspapers and mailed to interested parties. Persons wishing to be included in the mailing list for any of the items related to this permit may register their name, mailing address and phone number with the Regional Board office at the address given below.

XII. PUBLIC HEARING

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements. The public hearing will be scheduled at a later time (tentatively on October 25, 2002, in the City of Corona) and information regarding the public hearing will also be posted on the website. Further information regarding the conduct and nature of the public hearing concerning these waste discharge requirements may be obtained by writing or visiting the Santa Ana Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501.

XIII. INFORMATION AND COPYING

Persons wishing further information may write to the above address or call Keith Elliott at (909) 782-4925. Copies of the application, proposed waste discharge requirements, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday (excluding holidays).

XIV. REGISTER OF INTERESTED PERSONS

Any person interested in a particular application or group for applications may leave his name, address and phone number as part of the file for an application. Copies of tentative waste discharge requirements will be mailed to all interested parties.

XV. RECOMMENDATION

Adopt the proposed Order.